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## Germany

## Biotechnology

## GMO Situation in Germany

**2005**

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**Report Highlights:**

About 100 farmers registered fields for planting Bt corn in 2005. If all those fields are finally planted to a GMO variety, Germany's total GMO crop area is expected to amount to 1000 hectares.

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Includes PSD Changes: No  
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## Executive Summary

There are small indications that the rejection of agricultural biotechnology by German politicians and parts of the media is slowly diminishing. Politicians of the opposition parties aggressively use the argument that the new German genetech law inhibits economic progress. They are blaming the current governing coalition parties of damaging the image of a progressive German economy and society. It appears that more farmers will grow GMO corn in 2005 than did in 2004. However, Greenpeace is not giving up its efforts to 'educate' the Germans that GMOs are an important and dangerous evil.

## Bt Corn Production in 2005

For the 2005 production year, about 100 German farmers registered fields for the planting of Bt corn. The German genetech law, which came into effect in February 2005, requires farmers to report the exact location of GMO fields, field size and the GMO trait to a national public register, the Standortregister<sup>1</sup>.

Farmers have to report their GMO planting intention any time from nine months to three months before actual planting. For crop year 2005, farmers have indicated intentions to plant nearly 1,000 hectares of GMO corn, predominantly varieties containing the Monsanto trait MON810. In 2004, almost 300 hectares were planted to GMO corn.

Since there are no GMO varieties yet approved for planting in Germany, seed producers have to source seeds from those approved for use in Spain. Based on the German seed law requirement, seed producers need to obtain a marketing permit for these Spanish varieties from the German Federal Seeds Register (BSA), which is under the supervision of the Federal Ministry of Consumer Protection, Food and Agriculture (BMVEL). The permission was finally granted on 24 Feb 2005.

In a joint press statement of the feed manufacturer Maerka Maerkische Kraftfutter and Monsanto Germany, Maerka made a promise to the farmers in the Brandenburg region to offer the same price for the corn grown in the neighborhood of GMO corn fields as they would pay for other corn regardless of the level of GMO presence. Maerka assured that they will carefully test delivered corn for the level of GMO presence<sup>2</sup>. The seed producers are currently in the process of negotiating similar assurances with other feed manufacturers so that all corn producing farmers in the neighborhood of GMO corn fields will be able to sell their crop at normal market prices.

## Bt Corn Variety Registration

In 2000, 2001 and 2003 German seed breeders applied for the official registration of five Bt corn varieties at BSA. Obligatory planting tests required by the German seeds law and performed under the supervision of BSA have been successfully finalized. In case of conventional seeds (non-GMO varieties), BSA autonomously decides whether or not to register the new varieties. In the case of GMO varieties, BMVEL is actively involved in the approval process. Although not required at the time, one of BMVEL's core concerns in this case is the seed producers' lack of a monitoring plan for GMO crops. According to a press

<sup>1</sup> <http://194.95.226.234/cgi/lasso/abr/standorte.lasso?-database=flaeche&-response=&-table=web&-sortField=plz&-sortOrder=ascending&-maxRecords=20&-search&-skiprecords=0>

<sup>2</sup> <http://www.monsanto.de/newspresse/2005/pdf/14.01.05.pdf>

report, Greenpeace Germany is intensively lobbying BMVEL not to register the new varieties. The next BSA meeting on variety registration is scheduled for early May 2005.

The registration of Bt corn varieties in Germany would eliminate the need to obtain special marketing permits for these GM varieties. It would also allow for unlimited planting of GMO seed. The special permit only allows for the marketing of up to five tons of seed per approved variety.

### **Accompanying Research for GMO Crop Production**

The results of a 2004 coexistence research program involving 300 hectares of Bt corn, were officially provided to BMVEL. The research was financed by the State of Sachsen-Anhalt and the Federal Ministry of Research (BMBF). The Federal Biological Research Institute (BBA) originally had planned to participate in this project but was ordered by BMVEL not to take part in the program. BMVEL now claims that this study is not sufficient to evaluate the cross-pollination risk of corn. Therefore, in 2005, BMVEL will initiate a study to research the dispersion of corn pollen. For this project, non-GMO varieties of yellow and white corn will be used.

Press articles indicate that BMVEL continues to prevent leading BBA geneteck researchers from participating in coexistence research with real GMO products, even if these projects are supported and financed by BMBF. There have also been cases during recent years where BMVEL stopped federally funded biotech research in projects which could potentially provide significant variety improvement, such as resistance to fire blight in apple trees.

### **German Monitoring Rules for GMO Crops**

Recently, the coalition government approved a draft proposal of monitoring rules for the commercial planting of GMO crops. This draft needs to pass through the German Bundesrat where the opposition parties are in the majority. During the past year representatives of the opposition parties have repeatedly publicly expressed their opposition to the restrictive German geneteck law. It is very likely that the opposition will request changes to the proposed monitoring rules, and possibly also changes to the basic geneteck law, which just became effective in early February 2005.

The biotech industry complains that the proposed monitoring rules require GMO seed producers to collect of an excessive amount of data, which will in effect prevent the use of GMO crops. It leaves the impression that the seed producer has to perform a full-blown risk assessment each time he produces seed on GMO traits, which have already been approved based on a previous review and risk assessment. Some of the requirements are worded so vaguely that it appears that interpretation will be a major factor in determining whether or not the seed company is in compliance with the rules. The German industry complains that these rules go way beyond the requirements laid down in EU Directive 2001/18 and the monitoring parameters proposed by EFSA. Some of the requirements are as follows: The risk of any negative impact on health and environment should be excluded at all times. (The geneteck law is based on EU Directive 2001/18, which does not cover health and food safety aspects. These are regulated under EU Regulation 1829/2003.) Data should not only be collected in the actual field planted to the GMO crop but also in the neighborhood to the field (distances and monitoring periods are not exactly defined). All environments, which could eventually be impacted by the GMO should be monitored. These 'receptive milieus' should be compared with data resulting from 'control milieus' not in contact with GMOs.

### **Opposition Demands a Reform of the Genetech Law**

The German Bundestag is currently debating the second portion of the German genetech law (see GM4022 + GM4051), which primarily covers administrative issues of actually minor importance to the biotech industry. Those are technical or legalistic matters determining issues such as which authorities in the German states (Laender) are responsible for the monitoring of biotech crop production, who carries the financial burden for this work, etc. These are all detailing regulations attached to the basic genetech law, and require the approval of the Bundesrat, the Chamber of the German Laender. And this is the crux: The opposition parties are in the majority in the Bundesrat and intend to use this leverage to request adjustments to the basic law to make it somewhat more practical and less restrictive. It is too early to determine to what extent this will be possible.

### **Constitutional Claim against the German Genetech Law**

The government of the State of Sachsen-Anhalt announced its intent to file a constitutional claim against the recently past genetech law. Sachsen-Anhalt Econ Minister Rehberger argues that the law discriminates against GMO farmers. Rehberger was a strong supporter of the test production of GMO corn in 2004.

### **Ongoing Greenpeace Campaign against GMOs**

The specific target of Greenpeace in February 2005 has been restaurants and cafeterias. A group of Greenpeace activists called 'Team50plus', people of the age of 50 years or older, is visiting restaurants and checking out what kind of vegetable oils are used and if the use of GMO soy oils is properly labeled in the menu cards. Some of the names of the visited restaurants, some of which are prominent restaurants, are published on the Greenpeace homepage. Restaurants, which are not properly labeling the use of GMO oils risk being fined up to Euro 50,000 (US\$65,000).